



Crl.O.P.No.27404 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2025

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

Crl.O.P.No.27404 of 2025

Muthusamy

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Kondalampatti Police Station,
Salem City.
(Crime No.363 of 2025)
Respondent

...

PRAYER : Criminal Original Petition filed under Section 482 of B.N.S.S,2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.363 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.L.Ramanathan

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS & Section 21(1) of Mine & Minerals (Development & Regulation) Act, 1957 in connection with Crime No.363 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported



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2 units of red sand in a EICHER vehicle bearing registration No.TN-90-K-3452

without any valid licence. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case; that the petitioner has not committed any offence as alleged by the prosecution; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and he opposed for grant of anticipatory bail to the petitioner. He further submitted that no previous case is pending against the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

6. Taking note of the facts and circumstances of the case, nature of



allegations, submissions made by the learned counsels on either side, and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.5, Salem**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees ten thousand only) with two sureties each** for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate/Judge concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that: :

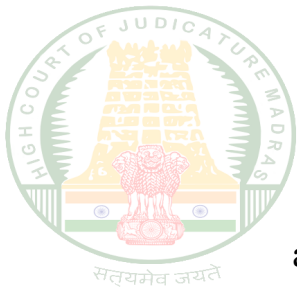
[a]the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] **the petitioner shall report before the respondent police daily at 10.30.a.m.,until further orders;**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass



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appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. *All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.***

To

- 1.The Judicial Magistrate No.5, Salem.
- 2.The Inspector of Police,
Kondalampatti Police Station,
Salem City.



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3.The Public Prosecutor,
High Court of Madras.

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N.SETHILKUMAR, J.,

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